



THE 188TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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Section 2RR **Workforce Training Trust Fund**

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*[Text of section effective until January 1, 2013. For text effective January 1, 2013, see below.
Repeal of section by 1998, 175, Sec. 3A does not take effect. See 2011, 68, Sec. 127. See
also 1998, 175, Sec. 25 as amended by 1999, 172, Sec. 1, 2002, 184, Sec. 159, 2005, 45,
Sec. 8, 2006, 123, Sec. 78 and 2010, 112, Sec. 33 and repealed by 2011, 68, Sec. 129 and
2012, 36, Sec. 21.]*

Section 2RR. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Training Trust Fund, in this section called the Fund. There shall be credited to the Fund the workforce training contributions required by section 14L of chapter 151A. The director of the department of career services may contract with the Commonwealth Corporation to administer the fund. For the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the director of career services may incur obligations and the comptroller may certify payment amounts not to exceed the most recent revenue estimate submitted by the department and approved by the comptroller; provided, however, that the fund shall be in balance by the close of each fiscal year.

(b) The director of the department of career services shall be the trustee of the fund and, without further appropriation, shall make expenditures from the fund for the following purposes:

(1) To provide grants to employers, employer groups, labor organizations and training providers for projects to provide education and training to existing employees and newly hired workers. In determining who shall receive grants, the director shall consider the following criteria:

- (i) whether the project will increase the skills of low-wage, low-skilled workers;
- (ii) whether the project will create or preserve jobs at wages sufficient to support a family;
- (iii) whether the project will have a positive economic impact on a region with high levels of unemployment or a high concentration of low-skilled workers;
- (iv) whether the employer has made a commitment to provide significant private investment in training during the duration of the grant and after the grant has expired;
- (v) whether the project will supplement, rather than replace, private investments in training;
- (vi) whether the employer is a small business that lacks the capacity to provide adequate training without such assistance;
- (vii) whether the project will provide residents of the commonwealth with training for jobs that could otherwise be filled only by residents of other nations; and
- (viii) whether the project is consistent with the workforce development blueprint prepared by the regional employment board.
- (ix) whether the employer has recently or plans to locate its business in the commonwealth and employ residents of the commonwealth who will benefit from training, provided that said employer shall not receive funds until said employer has located its business in the commonwealth.

Such grants shall be for amounts not to exceed \$250,000 and shall be for a term not to exceed two years.

(2) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as regional employment boards, community colleges, labor organizations, administrative entities for service delivery areas under the federal Job Training Partnership Act, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the executive office of labor and workforce development or of the Commonwealth Corporation. Such expenditures shall not exceed \$3,000,000 each year and the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training.

[There is no subsection (c).]

(d) Not later than September 1 of each year, the director shall file a report in writing with the joint committee on labor and workforce development and the house and senate committees on ways and means concerning the grants made in the fiscal year ending on the preceding June 30, together with such recommendations and additional information as the director considers appropriate.

(e) Documentary materials or data made or received by an employee of the department of career services, or previously by the department of workforce development, to the extent that such materials or data consist of trade secrets or commercial or financial information regarding the operation of a business conducted by an applicant for a grant from the fund established by this section, shall not be public records and shall not be subject to section 10 of chapter 66.

(f) The director, in consultation with the secretary of labor and workforce development and the secretary of housing and economic development, shall adopt regulations to carry out the purposes of this section, including the criteria set forth in paragraph (1) of subsection (b). The regulations shall provide for a rolling applications process and shall allow employers with plans to locate in the commonwealth and employ commonwealth residents to apply for grants. The director may contract with a private organization to carry out some or all of the director's duties provided in this section.

The board may require a match or co-investment from participating organizations; provided, however, that in determining the amount of any match, the board shall establish different requirements for organizations based on the size of the organization, its profit or not-for-profit status and financial capacity.

[There is no subsection (g).]

(h) The director shall, in accordance with section 328 of chapter 127 of the acts of 1999, prepare a performance evaluation of the workforce training grants awarded under this section. The evaluation shall assess the effectiveness of each grant awarded in terms of the (1) development of employee skills; (2) increase in employee wages; (3) improvement in employee retention rates; (4) improvement of employee productivity; (5) impact on employer's business and (6) impact on regional economy, including reduction of regional unemployment levels. The director shall require, as a condition of receiving a grant under this section, employers to provide, within a time frame following the end of the grant period as established by the director, such information and data determined by the director to be necessary to complete the performance evaluation.

(i) The director shall make no grant under this section to any person or entity from the Fund, nor shall any technical assistance be provided by the department out of the proceeds of the Fund, to any person or entity unless the person or entity applies for and receives a certificate of tax in good standing with the department of revenue with respect to all tax types for which it should be registered and for which it is obligated to file reports or returns. A certified copy of the certificate shall be presented to the director before the issuance of any grant under this section before the department's providing any technical assistance to the person or entity.

(j) There is hereby established a board to be known as the Workforce Training Fund Advisory Board, consisting of 9 members, who are citizens of the commonwealth, to be appointed by the governor. Three members shall be persons representing businesses or employers; 3 shall be persons representing employees or employees of labor organizations, 2 of whom shall be selected from a list of 5 recommended by the President of the Massachusetts AFL-CIO; and 3

shall be persons representative of the public, 2 of whom shall have expertise or experience in workforce training and 1 of whom shall represent a non-profit workforce training provider. The governor shall designate as chairman of the advisory board 1 of the members appointed as representative of the public. Members shall serve for a term of 6 years. Of the members originally appointed, 1 employer representative and 1 employee representative shall serve for a term of 4 years, and 1 employer representative and 1 employee representative shall serve for a term of 6 years; and thereafter, as their terms expire, the governor shall appoint members for terms of 6 years. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. Members shall serve without compensation. The advisory board shall advise the director of the department of career services on the administration of the workforce training fund grant program, including but not limited to reviewing and making recommendations on grant requirements and selection criteria and reviewing grant applications and making recommendations about grant awards. The advisory board shall, from time to time, submit recommendations to the legislature on any legislative changes it deems necessary for the successful operation of the program.

(k) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as local workforce investment boards, community colleges, labor organizations, administrative entities for service delivery areas under the federal Workforce Investment Act, or its successor statute, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the executive office of labor and workforce development or of the commonwealth corporation. Such expenditures shall not exceed \$3,000,000 each year and the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training. Of the \$3,000,000, not less than \$75,000 shall be provided annually to the Workforce Investment Board Association to support the activities of business, labor, education, youth councils and community members in leading regional workforce development systems; each of the 16 workforce investment boards shall receive \$75,000 annually; and each of the 16 workforce investment boards shall receive \$20,000 annually for youth councils.

Chapter 29: Section 2RR. Workforce Training Fund

[Text of section as recodified by 2012, 165, Sec. 112 effective January 1, 2013. See 2012, 165, Sec. 137. For text effective until January 1, 2013, see above.]

Section 2RR. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Training Fund, in this section called the Fund. There shall be credited to the Fund the workforce training contributions required by section 14L of chapter 151A. The director of the department of career services may contract with the Commonwealth Corporation to administer the fund. For the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the director of career services may incur obligations and the comptroller may certify payment amounts not to exceed the most recent revenue estimate submitted by the department and approved by the

comptroller; provided, however, that the fund shall be in balance by the close of each fiscal year.

(b) Subject to appropriation, the director of the department of career services shall make expenditures from the Fund for the following purposes:

(1) To provide grants to employers, employer groups, labor organizations and training providers for projects to provide education and training to existing employees and newly hired workers. In determining who shall receive grants, the director shall consider the following criteria:

(i) whether the project will increase the skills of low-wage, low-skilled workers;

(ii) whether the project will create or preserve jobs at wages sufficient to support a family;

(iii) whether the project will have a positive economic impact on a region with high levels of unemployment or a high concentration of low-skilled workers;

(iv) whether the employer has made a commitment to provide significant private investment in training during the duration of the grant and after the grant has expired;

(v) whether the project will supplement, rather than replace, private investments in training;

(vi) whether the employer is a small business that lacks the capacity to provide adequate training without such assistance;

(vii) whether the project will provide residents of the commonwealth with training for jobs that could otherwise be filled only by residents of other nations; and

(viii) whether the project is consistent with the workforce development blueprint prepared by the regional employment board.

(ix) whether the employer has recently or plans to locate its business in the commonwealth and employ residents of the commonwealth who will benefit from training, provided that said employer shall not receive funds until said employer has located its business in the commonwealth.

Such grants shall be for amounts not to exceed \$250,000 and shall be for a term not to exceed 2 years.

(2) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as regional employment boards, community colleges, labor organizations, administrative entities for service delivery areas under the federal Job Training Partnership Act, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the executive office workforce development or of the Commonwealth Corporation. Such expenditures shall not exceed \$3,000,000 each year and the director shall

demonstrate that each dollar expended generates not less than \$5 in private investment in job training.

[There is no subsection (c).]

(d) Not later than September 1 of each year, the director shall file a report in writing with the joint committee on labor and workforce development and the house and senate committees on ways and means concerning the grants made in the fiscal year ending on the preceding June 30, together with such recommendations and additional information as the director considers appropriate.

(e) Documentary materials or data made or received by an employee of the department of career services, or previously by the department of workforce development or the Commonwealth Corporation, to the extent that such materials or data consist of trade secrets or commercial or financial information regarding the operation of a business conducted by an applicant for a grant from the fund established by this section, shall not be public records and shall not be subject to section 10 of chapter 66.

(f) The director, in consultation with the secretary of labor and workforce development and the secretary of housing and economic development, shall adopt regulations to carry out this section, including the criteria paragraph (1) of subsection (b). The regulations shall provide for a rolling applications process and shall allow employers with plans to locate in the commonwealth and employ commonwealth residents to apply for grants. The director may contract with a private organization to carry out some or all of the director's duties provided in this section.

The board may require a match or co-investment from participating organizations; provided, however, that in determining the amount of any match, the board shall establish different requirements for organizations based on the size of the organization, its profit or not-for-profit status and financial capacity.

[There is no subsection (g).]

(h) The director shall, in accordance with section 328 of chapter 127 of the acts of 1999, prepare a performance evaluation of the workforce training grants awarded under this section. The evaluation shall assess the effectiveness of each grant awarded in terms of the: (1) development of employee skills; (2) increase in employee wages; (3) improvement in employee retention rates; (4) improvement of employee productivity; (5) impact on employer's business; and (6) impact on regional economy, including reduction of regional unemployment levels. As a condition of receiving a grant under this section, the director shall require employers to provide, within a time frame following the end of the grant period as established by the director, such information and data determined by the director to be necessary to complete the performance evaluation.

(i) The director shall make no grant under this section to any person or entity from the Fund, nor shall any technical assistance be provided by the department out of the proceeds of the Fund, to any person or entity unless the person or entity applies for and receives a certificate

of tax in good standing with the department of revenue with respect to all tax types for which it should be registered and for which it is obligated to file reports or returns. A certified copy of the certificate shall be presented to the director before the issuance of any grant under this section and before the department provides any technical assistance to any person or entity.

(j) There is hereby established a board to be known as the Workforce Training Fund Advisory Board, consisting of 9 members, who shall be citizens of the commonwealth, to be appointed by the governor. Of the 9 members: 3 members shall be persons representing businesses or employers; 3 shall be persons representing employees or employees of labor organizations, 2 of whom shall be selected from a list of 5 recommended by the President of the Massachusetts AFL-CIO; and 3 shall be persons representative of the public, 2 of whom shall have expertise or experience in workforce training and 1 of whom shall represent a non-profit workforce training provider. The governor shall designate as chairman of the advisory board 1 of the members appointed as representative of the public. Members shall serve for a term of 6 years. Of the members originally appointed, 1 employer representative and 1 employee representative shall serve for a term of 4 years, and 1 employer representative and 1 employee representative shall serve for a term of 6 years; and thereafter, as their terms expire, the governor shall appoint members for terms of 6 years. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. Members shall serve without compensation. The advisory board shall advise the director of the department of career services on the administration of the workforce training fund grant program including, but not limited to, reviewing and making recommendations on grant requirements and selection criteria and reviewing grant applications and making recommendations relative to grant awards. The advisory board shall, from time to time, submit recommendations to the legislature on any legislative changes it deems necessary for the successful operation of the program.

(k) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as local workforce investment boards, community colleges, labor organizations, administrative entities for service delivery areas under the federal Workforce Investment Act, or its successor statute, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the executive office of labor and workforce development or of the Commonwealth Corporation. Such expenditures shall not exceed \$3,000,000 each year and the director shall demonstrate that each dollar expended generates not less than \$5 in private investment in job training. Of the \$3,000,000, not less than \$75,000 shall be provided annually to the Workforce Investment Board Association to support the activities of business, labor, education, youth councils and community members in leading regional workforce development systems; each of the 16 workforce investment boards shall receive \$75,000 annually; and each of the 16 workforce investment boards shall receive \$20,000 annually for youth councils.